## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)		
	Plaintiff,	) 8:05CR145 )		
	vs.	) DETENTION ORDER		
SA	LVADOR RANGEL,			
	Defendant.	<b>'</b>		
Α.	Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on April 27, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>			
C.	C. Finding Of Fact The Court's findings are based on the evidence which was contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: a conspiracy to distribute in excess of 500 grams of methamphetamine (Count I) in violation of 21 U.S.C. § 846 carries a minimum sentence of ten years imprisonment and a maximum of life imprisonment; the distribution of more than 50 grams of methamphetamine (Count V) in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of five years imprisonment and a maximum sentence of forty years imprisonment and a maximum sentence of forty years imprisonment.  (b) The offense is a crime of violence - see 18 U.S.C. § 3156(a)(4)(B).  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to wit:  (2) The weight of the evidence against the defendant is high.  X (3) The history and characteristics of the defendant including:  (a) General Factors:  The defendant appears to have a mental condition which may affect whether the defendant will appear.  X The defendant has no steady employment.  X The defendant has no substantial financial resources.  X The defendant has no substantial financial resources.  X The defendant has no talong time resident of the community.  X The defendant has a history relating to drug abuse.  The defendant has a history relating to alcohol abuse.  X The defendant has a significant prior criminal record.			

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		e defendant has a prior record of failure to appear at court	
	proceedings.		
	<ul><li>(b) At the time of the current arrest, the defendant was on:</li><li>Probation</li></ul>		
	Pa		
	Re	elease pending trial, sentence, appeal or completion of	
		ntence.	
	` '	Other Factors:	
		e defendant is a legal alien and will be subject to deportation	
	X	onvicted. The Bureau of Immigration and Custom Enforcement (BICE)	
		has placed a detainer with the U.S. Marshal.	
		ner:	
, ,		seriousness of the danger posed by the defendant's release	
		The nature of the charges in the Indictment and the prior of the defendant.	
_X_ (5) <b>I</b>	Rebuttable Pr	esumptions	
		hat the defendant should be detained, the Court also relied on	
		ebuttable presumption(s) contained in 18 U.S.C. § 3142(e)	
	which the Cour	t finds the defendant has not rebutted:	
_X_		condition or combination of conditions will reasonably assure	
		earance of the defendant as required and the safety of any	
	involves	rson and the community because the Court finds that the crime.	
		A crime of violence; or	
	<u>X</u> (.)		
		imprisonment or death; or	
	_X_	(3) A controlled substance violation which has a maximum	
	(4)	penalty of 10 years or more; or	
	(4)	A felony after the defendant had been convicted of two or	
		more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes	
		mentioned in (1) through (3) above which is less than five	
	years old and which was committed while the defendant was		
		on pretrial release.	
<u>X</u>		condition or combination of conditions will reasonably assure	
		earance of the defendant as required and the safety of the	
	community because the Court finds that there is probable cause		
	believe: X	(1) That the defendant has committed a controlled	
		substance violation which has a maximum penalty of 10	
		years or more.	
	(2)	That the defendant has committed an offense under 18	
		U.S.C. § 924(c) (uses or carries a firearm during and in	
		relation to any crime of violence, including a crime of	
		violence, which provides for an enhanced punishment if	
		committed by the use of a deadly or dangerous weapon or device).	

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge